

MEMORANDUM

Agenda Item No. 4(S)

TO: Honorable Chairperson and Member
Board of County Commissioners

DATE:

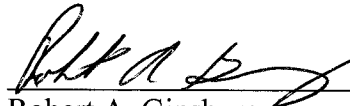
(Public Hearing 10-7-03)
July 8, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT:

Ordinance relating to
establishment of policy
for consideration of
requests by municipalities
with regard to community
redevelopment

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners **DATE:** October 7, 2003

FROM: George M. Burgess, County Manager  **SUBJECT:** Ordinance relating to establishment of policy for consideration of requests by municipalities with regard to community redevelopment

The ordinance establishes, as a policy of the County Commission, that the property tax levied by The Children's Trust be exempted from making tax increment payments to community redevelopment agencies (CRAs). The ordinance requires that each municipality and CRA provide that exemption before the County Commission considers any issue regarding the CRA.

Under the terms of the ordinance, approximately \$1.5 million would remain in The Children's Trust. The fiscal impact to the County is minimal, if any.

The only effect on the County of payments being made by The Children's Trust to a CRA is that any surpluses in the CRA trust funds may be distributed, at the discretion of the CRA, proportionately back to the taxing authorities making payments, and this would include the County. It is unlikely that any such payment would be made before CRA bonds are paid off, or funding needs of CRA programs are satisfied.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(S)

Please note any items checked.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | "4-Day Rule" ("3-Day Rule" for committees) applicable if raised |
| <input checked="" type="checkbox"/> | 6 weeks required between first reading and public hearing |
| <input checked="" type="checkbox"/> | 4 weeks notification to municipal officials required prior to public hearing |
| <input type="checkbox"/> | Decreases revenues or increases expenditures without balancing budget |
| <input type="checkbox"/> | Budget required |
| <input type="checkbox"/> | Statement of fiscal impact required |
| <input type="checkbox"/> | Bid waiver requiring County Manager's written recommendation |
| <input type="checkbox"/> | Ordinance creating a new board requires detailed County Manager's report for public hearing |
| <input type="checkbox"/> | Housekeeping item (no policy decision required) |
| <input checked="" type="checkbox"/> | No committee review |

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No.4 (S)

10-7-03

ORDINANCE NO. _____

ORDINANCE RELATING TO ESTABLISHMENT OF POLICY
FOR CONSIDERATION OF REQUESTS BY MUNICIPALITIES
AND/OR COMMUNITY REDEVELOPMENT AGENCIES WITH
REGARD TO COMMUNITY REDEVELOPMENT; AND
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969 during its 1969 Legislative Session, which enactment is presently codified in the Florida Statutes as Part III of Chapter 163, Florida Statutes, as amended from time to time (the "Act"); and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with Home Rule Charters, which counties in turn are authorized to delegate certain of such powers to a municipality and/or community redevelopment agency created pursuant to the Act; and

WHEREAS, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") has delegated community redevelopment powers to various municipalities in accordance with the provisions of the Act, including, among other things, the authority to create and appoint members to a community redevelopment agency and the power to initiate, prepare and adopt a redevelopment plan, subject to approval by the Board; and

WHEREAS, certain redevelopment powers were not specifically delegated by the Board and were specifically reserved exclusively for exercise by the Board, specifically the power to determine an area to be a slum or blighted area, to grant final

approval to community redevelopment plans and modifications thereof, to authorize the issuance of revenue bonds and the power to approve the development of community policing innovations; and

WHEREAS, from time to time, municipalities or community redevelopment agencies request the Board to take certain action as the local governing body that benefit the municipalities or community redevelopment agencies, or request that the Board create new tax increment districts within their municipal boundaries to address instances of slum and blight; and

WHEREAS, on September 10, 2002, the voters of Miami-Dade County voted to amend the Home Rule Charter to rename the independent special taxing district, "The Children's Trust" and to authorize the levy of an ad valorem tax not to exceed one-half (1/2) mill for the purpose of, "funding improvements to children's health, development and safety [and] promot[ing] parental and community responsibility for children;" and

WHEREAS, the voters will be asked to renew this ad valorem levy in 2008; and

WHEREAS, this ballot question received widespread support by the voters -- sixty-six (66%) percent of all voters, and a majority of all voters in each and every voting district; and

WHEREAS, it is the clear intent of the voters that the revenue from this ad valorem tax be used by The Children's Trust for the good of children and their families in Miami-Dade County; and

WHEREAS, this Board of County Commissioners desires to give full effect to the will of the voters – that the revenue from the one-half (1/2) mill be used by The Children's Trust for the good of Miami-Dade County's children and families; and

WHEREAS, furthermore, Part III of Chapter 163 of Florida Statutes is not intended to apply, and therefore does not apply, to a special taxing district that came into existence after the creation of the community redevelopment agency and/or trust fund; and

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WHEREAS, most of the community redevelopment agencies and/or their trust funds existed prior to the creation of The Children's Trust, which was created by the Board of County Commissioners through Ordinance No. 02-247 with an effective date of December 13, 2002; and

WHEREAS, therefore, with regard to already existing community redevelopment agencies, Part III of Chapter 163 of Florida Statutes does not apply to The Children's Trust; and

WHEREAS, in order to ensure that the intent of the voters of Miami-Dade County is carried out expeditiously and without undue delay, it is necessary that municipalities in their sole discretion, exempt The Children's Trust, an independent special taxing district, from the provisions of Section 163.387(2)(a); and

WHEREAS, the exemption shall be granted in accordance with the provisions of Section 163.387(2)(d)(1) and shall be for the term of collection of The Children's Trust ad valorem tax, including any extensions of this ad valorem tax levy which may be approved by the voters of Miami-Dade County; and

WHEREAS, for already existing community redevelopment agencies, this exemption is not necessary because the Act does not apply to The Children's Trust, but by acting in this fashion, municipalities will resolve any ambiguities as to the applicability of the Act to The Children's Trust,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitations are hereby incorporated as a part of this ordinance.

Section 2. This Board hereby finds that it is necessary to establish a policy by which the Board will consider requests from municipalities or community redevelopment agencies created by municipalities, for certain actions by the Board pursuant to the provisions of the Act or Interlocal Cooperation Agreement, including but not limited to:

1) creation of new tax increment districts within their municipal boundaries; 2) approval of amendments to an Interlocal Cooperation Agreement; 3) approval of an annual budget for expenditure of monies on deposit in the Trust Fund; 4) amendments to the redevelopment plan; and/or 5) any other matter that requires the approval of the Board. This Board hereby finds that it is in the best interest of the citizens of Miami-Dade County to require as a condition precedent to the Board's consideration of such municipal or agency requests that, such municipality, in its sole discretion pursuant to §163.387(2)(d)(1), F.S., exempt The Children's Trust, an independent special taxing district, from the provisions of Section 163.387(2)(a) for the term of collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax levy which is approved by the voters of Miami-Dade County.

Section 3. For all community redevelopment agencies created by the Board after the establishment of The Children's Trust independent special taxing district, the Board hereby, in its sole discretion pursuant to §163.387(2)(d)(1), exempts The Children's Trust, an independent special taxing district, from the provisions of §163.387(2)(a), F.S. for the term of collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax levy which is approved by the voters of Miami-Dade County.

Section 4. This ordinance is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be broadly construed to effectuate the purpose thereof.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or

relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance does not contain a sunset provision.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

RA6
GBK/KML

Karon M. Coleman/Geri Bonzon-Keenan

Sponsored by Commissioner Natacha Seijas